

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	Case No. 3:18-cr-9
)	(Case No. 3:22-cv-49)
v.)	
)	JUDGE KIM R. GIBSON
)	
)	
WILLIE GENE GULLEY, JR.,)	
)	
Movant.)	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

Movant Willie Gene Gulley, Jr. ("Gulley") filed a "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody." (ECF No. 187). Gulley moves this Court to vacate the term of supervised release imposed at his sentencing as well as "the 6 months [he] has left on new charges." (*Id.* at 12).


On April 6, 2022, the Magistrate Judge filed a Report and Recommendation, recommending that Gulley's motion to vacate be summarily denied and that no certificate of appealability should be issued. (ECF No. 190 at 1). Gulley was notified that pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file written objections. (*Id.* at 4). Gulley filed timely objections on April 19, 2022. (ECF No. 191).

After *de novo* review of the record in this matter, the Report and Recommendation, and the objections thereto, the Court finds that Gulley's objections are without merit. Accordingly, the following order is entered:

AND NOW, this 23rd day of June, 2022, **IT IS HEREBY ORDERED** that Movant Willie Gene Gulley, Jr.'s "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (ECF No. 187) is **DENIED** and certificate of appealability is issued.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 190) is adopted in part as the opinion of the Court. However, the second and third sentences of the second full paragraph on page 2 of the Report and Recommendation ("The instant motion is no exception and . . .") are not adopted by the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON

UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Willie Gene Gulley, Jr.
USMS 11148068
Hazelton U.S. Penitentiary
Inmate Mail/Parcels
P.O. Box 2000
Bruceton Mill, WV 26525